



Lawrence Livermore National Laboratory

Environmental Protection Department

August 16, 2004

Ms. Luz Castillo, Senior Hazardous Substances Scientist Statewide Compliance Division
Department of Toxic Substances Control
700 Heinz A venue
Berkeley, CA 94710-2737

SUBJECT:

Response to the 2004 CEI Class I Summary of Violations Livermore Main Site (EPA ID# CA2890012584)
Lawrence Livermore National Laboratory (LLNL)

Date stamped received from the Department of Toxic Substances Control, Statewide Compliance Division 8/27/04 log number 8-25.

Dear Ms. Castillo:

This letter is submitted in response to the Class I Summary of Violations (SOV), dated July 19, 2004, resulting from the 2004 Compliance Evaluation Inspection (CEI) by the Department of Toxic Substances Control (DTSC). DTSC personnel conducted the 2004 CEI at LLNL on May 27, 28, and June 1, 2 and 3, 2004. The SOV cited a total of six violations: two Class I violations, three Class II violations and a minor violation that required no action by LLNL. A previous letter, dated July 26, 2004, was sent to DTSC to document LLNL's response to the Class II violations. This letter addresses only the remaining two Class I violations.

In response to the first Class I violation, SOV 1, "Treatment of Hazardous Waste in Unauthorized Unit," LLNL ceased the use of the sorting table/pan immediately as DTSC directed and will work with the DTSC permit writer to resolve this issue, if needed. However, this SOV may not be applicable to LLNL's operations according to the following information that DTSC may not have considered during the CEI:

1. LLNL considers the sorting table/pan as equipment for handling waste ergonomically to avoid injury to employees and prevent spilling wastes. The LLNL Part B Operation Plan discusses waste handling equipment in section 2.4.1 of the Part B Operation Plan, Volume 1 Part VI and in Table VI-I. The sorting table/pan is equipment used to transfer wastes, such as those included in the Operation Plan, Volume I, Table VI-I. On page 16 of the Volume 1, Part VI, carts (tables on wheels) are identified as equipment commonly used throughout LLNL's Radioactive and Hazardous Waste Management facilities. Excerpts from these sections are included as **Attachment 1**.

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According to 22 CCR 66260.10, a Class I Violation means "a deviation from the requirements specified in Chapter 6.5 of Division 20 of the Health and Safety Code, or regulations, permit or interim standard document conditions, standards, or requirements adopted pursuant to that chapter, that represents a significant threat to human health or safety or the environment, because of (1) the volume of the waste; (2) the relative hazard of the waste; or (3) the proximity of the population at risk..." LLNL's use of the sorting table / pan does not represent a significant threat to human health, safety or the environment and, therefore, does not meet the criteria for a Class I Violation. The relative hazard associated with segregating waste is extremely low because waste handled on the sorting table/pan is hazardous only because of trace levels of listed solvents or hazardous constituents. The waste sorting or segregation is being conducted inside a permitted hazardous waste facility that is equipped with secondary containment and a filtered ventilation system to prevent any exposure to employees or the public. The waste removed from the sorting table/pan was properly packaged into containers for storage in a permitted facility or processed in a permitted treatment Unit. The location of the sorting table/ pan, the type of waste handled on the equipment,

and the subsequent management of the waste ensured the waste did not pose a risk to human health and safety or the environment.

Based on this additional information, LLNL requests that SOV be either rescinded or reduced to a minor violation.

In response to the second Class I violation, SOV 2, "Commingling Incompatible Wastes in the Same Container," LLNL has made sure that incompatible hazardous wastes, such as organic solvent mixtures and concentrated acid mixtures, are managed separately in compatible containers and that all personnel handling such wastes are trained. The specific employee involved in the incident described in SOV2 has been given additional training as shown in **Attachment 2a**. In addition, LLNL has implemented procedures in all areas at the facility (generator and permitted) to prevent similar occurrences in the future. The LLNL *Environment, Safety and Health (ES&H) Manual* discusses chemical compatibility in Document 14.1, *LLNL Chemical Safety Management Program*, and Document 36.3, *Management of Satellite and Waste Accumulation Areas for Hazardous and Mixed Wastes*. Copies of these two chapters, with appropriate sections highlighted, are included as **Attachment 2b**.

Please contact me at (925) 422-3985 if you have any questions regarding this response

Sincerely,

Ellen Raber Department Head

ER/PY:jn

PRAO4-057 August 16, 2004

Ms. Luz Castillo

Subject Response to the 2004 CEI Class I Summary of Violations Livermore Main Site (EPA 10# CA2890012584)
Lawrence Livermore National Laboratory (LLNL)

Attachments: Attachment 1: Documentation supporting the response to SOV1, "Treatment of HazWaste in Unauthorized unit"

Attachment 2a: Docs supporting LLNL's response to SOV2, "Commingling Incompatible Wastes in the same container

Personnel Training - Attachment 2b: Docs supporting LLNL's response to SOV2, Commingling Inc wastes in the same con

Documentation supporting the response to SOV I, "Treatment of Hazardous Waste in Unauthorized Unit"

Documents supporting LLNL's response to SOV 2, "Commingling

Incompatible Wastes in the Same Container" - Personnel Training

Documents supporting LLNL's response to SOV 2, "Commingling Incompatible Wastes in the Same Container" -

Excerpts from ES&H Manual